

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

OCTAVIO RODRIGUEZ CIRA and)	
FABIOLA MERLOS MARTINEZ,)	
as Surviving Parents of)	
FERNANDO OCTAVIO RODRIGUEZ,)	
Deceased, and)	
OCTAVIO RODRIGUEZ as)	
Administrator of the Estate of)	
FERNANDO OCTAVIO RODRIGUEZ,)	
)	CIVIL ACTION FILE
Plaintiffs,)	
)	NO. 1:21-CV-01999-TCB
v.)	
)	
CITY OF HAMPTON, COUNTY OF)	
HENRY, OFFICER GREGORY R.)	
BOWLDEN, In his Individual and)	
Official Capacity, OFFICER MASON C.)	
LEWIS, In his Individual and Official)	
Capacity, OFFICER MARCUS J.)	
STROUD, In his Individual and Official)	
Capacity, OFFICER ROBERT P.)	
BUTERA, In his Individual and Official)	
Capacity, and OFFICER QUINTON C.)	
PHILLIPS, In his Individual and)	
Official Capacity,)	
)	
Defendants.)	

**ANSWER AND DEFENSES OF HENRY COUNTY,
ROBERT P. BUTERA AND QUINTON C. PHILLIPS TO
PLAINTIFFS' COMPLAINT FOR DAMAGES**

COME NOW HENRY COUNTY, ROBERT P. BUTERA, and QUINTON
C. PHILLIPS, Defendants in the above-styled civil action, and file this their
Answer and Defenses to Plaintiffs' Complaint as follows:

FIRST DEFENSE

Plaintiffs' Complaint, and each and every paragraph set forth therein, fails to state or set forth claims against these Defendants upon which relief may be granted.

SECOND DEFENSE

For their second defense, these Defendants answer and respond to the numbered sections and paragraphs of Plaintiffs' Complaint as follows:

INTRODUCTION

1.

Defendants deny the allegations set forth in paragraph 1 of Plaintiff's Complaint.

2.

In response to the allegations set forth in paragraph 2 of Plaintiff's Complaint for Damages, these Defendants admit that Fernando Octavio Rodriguez was walking down the middle of a street naked and unarmed in Hampton, Georgia on September 20, 2019, but Defendants deny the remaining allegations in the form and manner alleged.

3.

Defendants can neither admit nor deny the allegations set forth in paragraph 3 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

4.

Defendants can neither admit nor deny the allegations set forth in the first sentence of paragraph 4 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof, but Defendants deny the allegations contained in the second sentence.

5.

In response to paragraph 5 of Plaintiffs' Complaint for Damages, these Defendants deny the allegations set forth in the first three sentences, but can neither admit nor deny the allegations in the last sentence for lack of sufficient information to form a belief as to the truth thereof.

6.

Defendants can neither admit nor deny the allegations set forth in paragraph 6 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

7.

In response to paragraph 7 of Plaintiffs' Complaint for Damages, these Defendants generally admit that Fernando had a right under the Fourth Amendment to be free from unreasonable searches and seizures, but Defendants deny the remaining allegations in the manner stated.

8.

These Defendants deny the allegations set forth in paragraph 8 of the

Complaint to the extent they relate to the Henry County officers but can neither admit nor deny the allegations as they relate to other officers involved in the incident for lack of sufficient information to form a belief as to the truth thereof.

PARTIES, JURISDICTION, AND VENUE

9.

Defendants can neither admit nor deny the allegations set forth in paragraph 9 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

10.

Defendants can neither admit nor deny the allegations set forth in paragraph 10 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

11.

Defendants can neither admit nor deny the allegations set forth in paragraph 11 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

12.

Defendants can neither admit nor deny the allegations set forth in paragraph 12 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

13.

Defendants deny the allegations set forth in paragraph 13 of Plaintiff's Complaint.

14.

Defendants can neither admit nor deny the allegations set forth in paragraph 14 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

15.

Defendants admit the allegations set forth in paragraph 15 of Plaintiff's Complaint.

16.

Defendants can neither admit nor deny the allegations set forth in paragraph 16 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

17.

Defendants can neither admit nor deny the allegations set forth in paragraph 17 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

18.

Defendants can neither admit nor deny the allegations set forth in paragraph 18 of Plaintiffs' Complaint for lack of sufficient information to form

a belief as to the truth thereof.

19.

Defendants admit the allegations set forth in paragraph 19 of Plaintiff's Complaint.

20.

Defendants admit the allegations set forth in paragraph 20 of Plaintiff's Complaint.

21.

Paragraph 21 does not contain any allegations and therefore no response is required.

22.

Defendants can neither admit nor deny the allegations set forth in paragraph 22 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

23.

Defendants admit the allegations set forth in paragraph 23 of Plaintiff's Complaint.

24.

Defendants admit that this Court has subject matter jurisdiction, but deny that they violated Plaintiffs' Decedent's civil rights in any manner.

25.

Defendants admit the allegations set forth in paragraph 25 of Plaintiff's Complaint.

26.

These Defendants admit the allegations set forth in paragraph 26 of the Complaint as they relate to them, but can neither admit nor deny the allegations as to the remaining Defendants for lack of sufficient information to form a belief as to the truth thereof.

27.

Defendants admit the allegations set forth in paragraph 27 of Plaintiff's Complaint.

28.

Defendants admit the allegations set forth in paragraph 28 of Plaintiff's Complaint.

FACTS

29.

Defendants can neither admit nor deny the allegations set forth in paragraph 29 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

30.

Defendants admit the allegations set forth in paragraph 30 of Plaintiff's

Complaint.

31.

Defendants admit the allegations set forth in paragraph 31 of Plaintiff's Complaint.

32.

Defendants can neither admit nor deny the allegations set forth in paragraph 32 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

33.

Defendants can neither admit nor deny the allegations set forth in paragraph 33 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

34.

Defendants can neither admit nor deny the allegations set forth in paragraph 34 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

35.

Defendants can neither admit nor deny the allegations set forth in paragraph 35 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

36.

Defendants can neither admit nor deny the allegations set forth in paragraph 36 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

37.

Defendants can neither admit nor deny the allegations set forth in paragraph 37 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

38.

Defendants can neither admit nor deny the allegations set forth in paragraph 38 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

39.

Defendants can neither admit nor deny the allegations set forth in paragraph 39 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

40.

Defendants can neither admit nor deny the allegations set forth in paragraph 40 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

41.

Defendants can neither admit nor deny the allegations set forth in paragraph 41 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

42.

Defendants can neither admit nor deny the allegations set forth in paragraph 42 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

43.

Defendants can neither admit nor deny the allegations set forth in paragraph 43 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

44.

Defendants can neither admit nor deny the allegations set forth in paragraph 44 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

45.

Defendants can neither admit nor deny the allegations set forth in paragraph 45 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

46.

Defendants can neither admit nor deny the allegations set forth in paragraph 46 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

47.

Defendants can neither admit nor deny the allegations set forth in paragraph 47 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

48.

Defendants can neither admit nor deny the allegations set forth in paragraph 48 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

49.

Defendants can neither admit nor deny the allegations set forth in paragraph 49 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

50.

Defendants can neither admit nor deny the allegations set forth in paragraph 50 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

51.

Defendants can neither admit nor deny the allegations set forth in paragraph 51 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

52.

Defendants can neither admit nor deny the allegations set forth in paragraph 52 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

53.

Defendants can neither admit nor deny the allegations set forth in paragraph 53 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

54.

Defendants can neither admit nor deny the allegations set forth in paragraph 54 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

55.

Defendants can neither admit nor deny the allegations set forth in paragraph 55 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

56.

Defendants can neither admit nor deny the allegations set forth in paragraph 56 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

57.

Defendants can neither admit nor deny the allegations set forth in paragraph 57 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

58.

Defendants can neither admit nor deny the allegations set forth in paragraph 58 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

59.

Defendants can neither admit nor deny the allegations set forth in paragraph 59 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

60.

Defendants can neither admit nor deny the allegations set forth in paragraph 60 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

61.

Defendants can neither admit nor deny the allegations set forth in paragraph 61 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

62.

Defendants can neither admit nor deny the allegations set forth in paragraph 62 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

63.

Defendants deny the allegations set forth in paragraph 63 of Plaintiff's Complaint.

64.

Defendants deny the allegations set forth in paragraph 64 of Plaintiff's Complaint.

65.

Defendants can neither admit nor deny the allegations set forth in paragraph 65 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

66.

Defendants deny the allegations set forth in paragraph 66 of Plaintiff's Complaint.

67.

Defendants deny the allegations set forth in paragraph 67 of Plaintiffs' Complaint in the form and manner alleged.

68.

Defendants can neither admit nor deny the allegations set forth in paragraph 68 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

69.

Defendants can neither admit nor deny the allegations set forth in paragraph 69 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

70.

Defendants can neither admit nor deny the allegations set forth in paragraph 70 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

71.

Defendants can neither admit nor deny the allegations set forth in paragraph 71 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

72.

Defendants can neither admit nor deny the allegations set forth in

paragraph 72 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

73.

Defendants can neither admit nor deny the allegations set forth in paragraph 73 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

74.

Defendants can neither admit nor deny the allegations set forth in paragraph 74 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

75.

Defendants can neither admit nor deny the allegations set forth in paragraph 75 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

76.

Defendants can neither admit nor deny the allegations set forth in paragraph 76 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

77.

Defendants can neither admit nor deny the allegations set forth in paragraph 77 of Plaintiffs' Complaint for lack of sufficient information to form

a belief as to the truth thereof.

78.

Defendants can neither admit nor deny the allegations set forth in paragraph 78 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

79.

Defendants can neither admit nor deny the allegations set forth in paragraph 79 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

80.

Defendants can neither admit nor deny the allegations set forth in paragraph 80 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

81.

Defendants can neither admit nor deny the allegations set forth in paragraph 81 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

82.

Defendants can neither admit nor deny the allegations set forth in paragraph 82 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

83.

Defendants can neither admit nor deny the allegations set forth in paragraph 83 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

84.

Defendants can neither admit nor deny the allegations set forth in paragraph 84 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

85.

Defendants deny the allegations set forth in paragraph 85 of Plaintiff's Complaint.

86.

Defendants deny the allegations set forth in paragraph 86 of Plaintiffs' Complaint.

87.

Defendants can neither admit nor deny the allegations set forth in paragraph 87 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

88.

Defendants can neither admit nor deny the allegations set forth in paragraph 88 of Plaintiffs' Complaint for lack of sufficient information to form

a belief as to the truth thereof.

89.

Defendants can neither admit nor deny the allegations set forth in paragraph 89 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

90.

Defendants can neither admit nor deny the allegations set forth in paragraph 90 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

91.

Defendants can neither admit nor deny the allegations set forth in paragraph 91 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

92.

Defendants can neither admit nor deny the allegations set forth in paragraph 92 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

93.

Defendants can neither admit nor deny the allegations set forth in paragraph 93 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

94.

Defendants can neither admit nor deny the allegations set forth in paragraph 94 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

95.

Defendants can neither admit nor deny the allegations set forth in paragraph 95 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

96.

Defendants can neither admit nor deny the allegations set forth in paragraph 96 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

97.

Defendants can neither admit nor deny the allegations set forth in paragraph 97 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

98.

Defendants can neither admit nor deny the allegations set forth in paragraph 98 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

99.

Defendants can neither admit nor deny the allegations set forth in paragraph 99 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

100.

Defendants can neither admit nor deny the allegations set forth in paragraph 100 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

101.

Defendants can neither admit nor deny the allegations set forth in paragraph 101 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

102.

Defendants can neither admit nor deny the allegations set forth in paragraph 102 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

103.

Defendants can neither admit nor deny the allegations set forth in paragraph 103 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

104.

Defendants can neither admit nor deny the allegations set forth in paragraph 104 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

105.

Defendants can neither admit nor deny the allegations set forth in paragraph 105 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

106.

Defendants can neither admit nor deny the allegations set forth in paragraph 106 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

107.

Defendants can neither admit nor deny the allegations set forth in paragraph 107 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

108.

Defendants can neither admit nor deny the allegations set forth in paragraph 108 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

109.

Defendants can neither admit nor deny the allegations set forth in paragraph 109 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

110.

Defendants can neither admit nor deny the allegations set forth in paragraph 110 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

111.

Defendants can neither admit nor deny the allegations set forth in paragraph 111 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

112.

Defendants can neither admit nor deny the allegations set forth in paragraph 112 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

113.

Defendants can neither admit nor deny the allegations set forth in paragraph 113 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

114.

Defendants can neither admit nor deny the allegations set forth in paragraph 114 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

115.

Defendants can neither admit nor deny the allegations set forth in paragraph 115 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

116.

Defendants can neither admit nor deny the allegations set forth in paragraph 116 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

117.

Defendants can neither admit nor deny the allegations set forth in paragraph 117 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

118.

Defendants can neither admit nor deny the allegations set forth in paragraph 118 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

119.

Defendants can neither admit nor deny the allegations set forth in paragraph 119 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

120.

Defendants can neither admit nor deny the allegations set forth in paragraph 120 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

121.

Defendants can neither admit nor deny the allegations set forth in paragraph 121 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

122.

Defendants can neither admit nor deny the allegations set forth in paragraph 122 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

123.

Defendants admit the allegations set forth in paragraph 123 of Plaintiff's Complaint.

124.

Defendants admit the allegations set forth in paragraph 124 of Plaintiff's

Complaint.

125.

Defendants can neither admit nor deny the allegations set forth in paragraph 125 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

126.

Defendants can neither admit nor deny the allegations set forth in paragraph 126 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

127.

Defendants can neither admit nor deny the allegations set forth in paragraph 127 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

128.

Defendants can neither admit nor deny the allegations set forth in paragraph 128 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

129.

Defendants can neither admit nor deny the allegations set forth in paragraph 129 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

130.

Defendants can neither admit nor deny the allegations set forth in paragraph 130 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

131.

Defendants can neither admit nor deny the allegations set forth in paragraph 131 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

132.

Defendants can neither admit nor deny the allegations set forth in paragraph 132 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

133.

Defendants can neither admit nor deny the allegations set forth in paragraph 133 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

134.

Defendants can neither admit nor deny the allegations set forth in paragraph 134 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

135.

Defendants deny the allegations set forth in paragraph 135 of Plaintiff's Complaint.

136.

Defendants deny the allegations set forth in paragraph 136 of Plaintiff's Complaint in the form and manner alleged.

137.

Defendants deny the allegations set forth in paragraph 137 of Plaintiff's Complaint.

138.

Defendants deny the allegations set forth in paragraph 138 of Plaintiff's Complaint.

139.

Defendants can neither admit nor deny the allegations set forth in paragraph 139 of Plaintiff's Complaint for lack of sufficient information to form a belief as to the truth thereof.

140.

Defendants can neither admit nor deny the allegations set forth in paragraph 140 of Plaintiff's Complaint for lack of sufficient information to form a belief as to the truth thereof.

141.

Defendants can neither admit nor deny the allegations set forth in paragraph 141 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

142.

Defendants can neither admit nor deny the allegations set forth in paragraph 142 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

143.

Paragraph 143 of Plaintiffs' Complaint purports to be a statement of law and does not contain allegations requiring a response, but these Defendants deny that they used excessive force.

144.

Defendants deny the allegations set forth in paragraph 144 of Plaintiffs' Complaint in the form and manner alleged.

145.

Defendants deny the allegations set forth in paragraph 145 of Plaintiff's Complaint.

146.

Defendants deny the allegations set forth in paragraph 146 of Plaintiff's Complaint.

147.

In response to paragraph 147 of the Complaint, these Defendants deny the allegations as they related to them, but can neither admit nor deny the allegations as to the remaining Defendants for lack of sufficient information to form a belief as to the truth thereof.

148.

In response to paragraph 148 of the Complaint, these Defendants deny the allegations as they related to them, but can neither admit nor deny the allegations as to the remaining Defendants for lack of sufficient information to form a belief as to the truth thereof.

149.

In response to paragraph 149 of the Complaint, these Defendants deny the allegations as they related to them, but can neither admit nor deny the allegations as to the remaining Defendants for lack of sufficient information to form a belief as to the truth thereof.

150.

In response to paragraph 150 of the Complaint, these Defendants deny the allegations as they related to them, but can neither admit nor deny the allegations as to the remaining Defendants for lack of sufficient information to form a belief as to the truth thereof.

151.

In response to paragraph 151 of the Complaint, these Defendants deny the allegations as they related to them, but can neither admit nor deny the allegations as to the remaining Defendants for lack of sufficient information to form a belief as to the truth thereof.

COUNT I

VIOLATIONS OF THE FOURTH AMENDMENT FOR EXCESSIVE FORCE AND FAILURE TO INTERVENE AS TO THE DEFENDANT OFFICERS (42 U.S.C. § 1983)

152.

Defendants hereby reincorporate by reference, as if fully set forth herein, the answers and responses to paragraphs 1-151.

153.

Paragraph 153 of Plaintiff's Complaint purports to set forth a statement of law and requires no response; however, Defendants deny that they used excessive force.

154.

In response to paragraph 154 of the Complaint, these Defendants deny the allegations as they relate to them, but can neither admit nor deny the allegations as to the remaining Defendants for lack of sufficient information to form a belief as to the truth thereof.

155.

In response to paragraph 155 of the Complaint, these Defendants deny the allegations as they relate to them, but can neither admit nor deny the allegations as to the remaining Defendants for lack of sufficient information to form a belief as to the truth thereof.

156.

In response to paragraph 156 of the Complaint, these Defendants deny the allegations as they relate to them, but can neither admit nor deny the allegations as to the remaining Defendants for lack of sufficient information to form a belief as to the truth thereof.

157.

In response to paragraph 157 of the Complaint, these Defendants deny the allegations as they relate to them, but can neither admit nor deny the allegations as to the remaining Defendants for lack of sufficient information to form a belief as to the truth thereof.

158.

In response to paragraph 158 of the Complaint, these Defendants deny the allegations as they relate to them, but can neither admit nor deny the allegations as to the remaining Defendants for lack of sufficient information to form a belief as to the truth thereof.

159.

In response to paragraph 159 of the Complaint, these Defendants deny the allegations as they relate to them, but can neither admit nor deny the allegations as to the remaining Defendants for lack of sufficient information to form a belief as to the truth thereof.

160.

Defendants deny the allegations set forth in paragraph 160 of Plaintiffs' Complaint in the form and manner alleged.

161.

Defendants deny the allegations set forth in paragraph 161 of Plaintiff's Complaint.

162.

Defendants deny the allegations set forth in paragraph 162 of Plaintiff's Complaint.

163.

Defendants deny the allegations set forth in paragraph 163 of Plaintiff's Complaint.

164.

Defendants deny the allegations set forth in paragraph 164 of Plaintiff's Complaint.

165.

Defendants deny the allegations set forth in paragraph 165 of Plaintiff's Complaint.

166.

Defendants deny the allegations set forth in paragraph 166 of Plaintiff's Complaint.

COUNT II

VIOLATIONS OF THE FOURTEENTH AMENDMENT FOR FAILURE TO RENDER MEDICAL AID AS TO THE DEFENDANT OFFICERS (42 U.S.C. § 1983)

167.

Defendants hereby reincorporate by reference, as if fully set forth herein, the answers and responses to paragraphs 1-166.

168.

Defendants deny the allegations set forth in paragraph 168 of Plaintiff's Complaint.

169.

Defendants deny the allegations set forth in paragraph 169 of Plaintiff's Complaint.

170.

Defendants deny the allegations set forth in paragraph 170 of Plaintiff's

Complaint.

171.

Defendants deny the allegations set forth in paragraph 171 of Plaintiff's Complaint.

172.

Defendants deny the allegations set forth in paragraph 172 of Plaintiff's Complaint.

173.

Defendants deny the allegations set forth in paragraph 173 of Plaintiff's Complaint.

174.

Defendants deny the allegations set forth in paragraph 174 of Plaintiff's Complaint.

175.

Defendants deny the allegations set forth in paragraph 175 of Plaintiff's Complaint.

176.

Defendants deny the allegations set forth in paragraph 176 of Plaintiff's Complaint.

177.

Defendants deny the allegations set forth in paragraph 177 of Plaintiff's

Complaint.

COUNT III
SUPERVISORY LIABILITY FOR EXCESSIVE FORCE
AS TO DEFENDANT STROUD AND DEFENDANT BUTERA
(42 U.S.C. § 1983)

178.

Defendant hereby reincorporates by reference, as if fully set forth herein, the answers and responses to paragraphs 1-177.

179.

In response to paragraph 179 of the Complaint, these Defendants deny the allegations as they relate to Defendant Butera, but can neither admit nor deny the allegations as to Defendant Stroud for lack of sufficient information to form a belief as to the truth thereof.

180.

In response to paragraph 180 of the Complaint, these Defendants deny the allegations as they relate to Defendant Butera, but can neither admit nor deny the allegations as to Defendant Stroud for lack of sufficient information to form a belief as to the truth thereof.

181.

In response to paragraph 181 of the Complaint, these Defendants deny the allegations as they relate to Defendant Butera, but can neither admit nor

deny the allegations as to Defendant Stroud for lack of sufficient information to form a belief as to the truth thereof.

182.

In response to paragraph 182 of the Complaint, these Defendants deny the allegations as they relate to Defendant Butera, but can neither admit nor deny the allegations as to the remaining Defendants for lack of sufficient information to form a belief as to the truth thereof.

183.

In response to paragraph 183 of the Complaint, these Defendants deny the allegations as they relate to them, but can neither admit nor deny the allegations as to the remaining Defendants for lack of sufficient information to form a belief as to the truth thereof.

184.

In response to paragraph 184 of the Complaint, these Defendants deny the allegations as they relate to Defendant Butera, but can neither admit nor deny the allegations as to Defendant Stroud for lack of sufficient information to form a belief as to the truth thereof.

COUNT IV
***MONELL* LIABILITY AS TO HENRY COUNTY**
AND THE CITY OF HAMPTON
(42 U.S.C. § 1983)

185.

Defendant hereby reincorporates by reference, as if fully set forth herein, the answers and responses to paragraphs 1-184.

186.

Defendants admit the allegations set forth in paragraph 186 of Plaintiff's Complaint.

187.

Defendants can neither admit nor deny the allegations set forth in paragraph 187 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

188.

In response to paragraph 188 of the Complaint, these Defendants deny the allegations as they relate to them, but can neither admit nor deny the allegations as to the remaining Defendants for lack of sufficient information to form a belief as to the truth thereof.

189.

In response to paragraph 189 of the Complaint, these Defendants deny the allegations as they relate to them, but can neither admit nor deny the allegations as to the remaining Defendants for lack of sufficient information to form a belief as to the truth thereof.

190.

In response to paragraph 190 of the Complaint, these Defendants deny the allegations as they relate to them, but can neither admit nor deny the allegations as to the remaining Defendants for lack of sufficient information to form a belief as to the truth thereof.

191.

In response to paragraph 191 of the Complaint, these Defendants deny the allegations as they relate to them, but can neither admit nor deny the allegations as to the remaining Defendants for lack of sufficient information to form a belief as to the truth thereof.

192.

In response to paragraph 192 of the Complaint, these Defendants deny the allegations as they relate to them, but can neither admit nor deny the allegations as to the remaining Defendants for lack of sufficient information to form a belief as to the truth thereof.

193.

In response to paragraph 193 of the Complaint, these Defendants deny the allegations as they relate to them, but can neither admit nor deny the allegations as to the remaining Defendants for lack of sufficient information to form a belief as to the truth thereof.

194.

In response to paragraph 194 of the Complaint, these Defendants deny the allegations as they relate to them, but can neither admit nor deny the allegations as to the remaining Defendants for lack of sufficient information to form a belief as to the truth thereof.

195.

In response to paragraph 195 of the Complaint, these Defendants deny the allegations as they relate to them, but can neither admit nor deny the allegations as to the remaining Defendants for lack of sufficient information to form a belief as to the truth thereof.

196.

In response to paragraph 196 of the Complaint, these Defendants deny the allegations as they relate to them, but can neither admit nor deny the allegations as to the remaining Defendants for lack of sufficient information to form a belief as to the truth thereof.

197.

In response to paragraph 197 of the Complaint, these Defendants deny the allegations as they relate to them, but can neither admit nor deny the allegations as to the remaining Defendants for lack of sufficient information to form a belief as to the truth thereof.

198.

In response to paragraph 198 of the Complaint, these Defendants deny the allegations as they relate to them, but can neither admit nor deny the allegations as to the remaining Defendants for lack of sufficient information to form a belief as to the truth thereof.

**COUNT V
CANTON LIABILITY AS TO HENRY COUNTY
AND THE CITY OF HAMPTON
(42 U.S.C. § 1983)**

199.

Defendant hereby reincorporates by reference, as if fully set forth herein, the answers and responses to paragraphs 1-198.

200.

In response to paragraph 200 of the Complaint, these Defendants deny the allegations as they relate to them, but can neither admit nor deny the allegations as to the remaining Defendants for lack of sufficient information to form a belief as to the truth thereof.

201.

In response to paragraph 201 of the Complaint, these Defendants deny the allegations as they relate to them, but can neither admit nor deny the allegations as to the remaining Defendants for lack of sufficient information to form a belief as to the truth thereof.

202.

In response to paragraph 202 of the Complaint, these Defendants deny the allegations as they relate to them, but can neither admit nor deny the allegations as to the remaining Defendants for lack of sufficient information to form a belief as to the truth thereof.

203.

In response to paragraph 203 of the Complaint, these Defendants deny the allegations as they relate to them, but can neither admit nor deny the allegations as to the remaining Defendants for lack of sufficient information to form a belief as to the truth thereof.

204.

In response to paragraph 204 of the Complaint, these Defendants deny the allegations as they relate to them, but can neither admit nor deny the allegations as to the remaining Defendants for lack of sufficient information to form a belief as to the truth thereof.

205.

In response to paragraph 205 of the Complaint, these Defendants deny the allegations as they relate to them, but can neither admit nor deny the allegations as to the remaining Defendants for lack of sufficient information to form a belief as to the truth thereof.

206.

In response to paragraph 206 of the Complaint, these Defendants deny the allegations as they relate to them, but can neither admit nor deny the allegations as to the remaining Defendants for lack of sufficient information to form a belief as to the truth thereof.

207.

In response to paragraph 207 of the Complaint, these Defendants deny the allegations as they relate to them, but can neither admit nor deny the allegations as to the remaining Defendants for lack of sufficient information to form a belief as to the truth thereof.

208.

In response to paragraph 208 of the Complaint, these Defendants deny the allegations as they relate to them, but can neither admit nor deny the allegations as to the remaining Defendants for lack of sufficient information to form a belief as to the truth thereof.

**COUNT VI
STATE LAW CLAIM – NEGLIGENCE/WRONGFUL DEATH
AS TO THE DEFENDANT OFFICERS**

209.

Defendant hereby reincorporates by reference, as if fully set forth herein, the answers and responses to paragraphs 1-208.

210.

In response to paragraph 210 of the Complaint, these Defendants deny in the form and manner the allegations as they relate to them, but can neither admit nor deny the allegations as to the remaining Defendants for lack of sufficient information to form a belief as to the truth thereof.

211.

In response to paragraph 211 of the Complaint, these Defendants deny the allegations as they relate to them, but can neither admit nor deny the allegations as to the remaining Defendants for lack of sufficient information to form a belief as to the truth thereof.

212.

Defendants deny the allegations set forth in paragraph 212 of Plaintiff's Complaint.

213.

Defendants deny the allegations set forth in paragraph 213 of Plaintiff's Complaint.

214.

In response to paragraph 214 of the Complaint, these Defendants deny the allegations as they relate to them, but can neither admit nor deny the allegations as to the remaining Defendants for lack of sufficient information to form a belief as to the truth thereof.

215.

Defendants deny the allegations set forth in paragraph 215 of Plaintiff's Complaint.

216.

In response to paragraph 216 of the Complaint, these Defendants deny the allegations as they relate to them, but can neither admit nor deny the allegations as to the remaining Defendants for lack of sufficient information to form a belief as to the truth thereof.

**COUNT VII:
STATE LAW CLAIM – ASSAULT/WRONGFUL DEATH
AS TO THE DEFENDANT OFFICERS**

217.

Defendant hereby reincorporates by reference, as if fully set forth herein, the answers and responses to paragraphs 1-216.

218.

Defendants deny the allegations set forth in paragraph 218 of Plaintiff's Complaint.

219.

In response to paragraph 219 of the Complaint, these Defendants deny the allegations as they relate to them, but can neither admit nor deny the allegations as to the remaining Defendants for lack of sufficient information to form a belief as to the truth thereof.

220.

In response to paragraph 220 of the Complaint, these Defendants deny the allegations as they relate to them, but can neither admit nor deny the allegations as to the remaining Defendants for lack of sufficient information to form a belief as to the truth thereof.

221.

Defendants deny the allegations set forth in paragraph 221 of Plaintiff's Complaint.

222.

In response to paragraph 222 of the Complaint, these Defendants deny the allegations as they relate to them, but can neither admit nor deny the allegations as to the remaining Defendants for lack of sufficient information to form a belief as to the truth thereof.

223.

In response to paragraph 223 of the Complaint, these Defendants deny the allegations as they relate to them, but can neither admit nor deny the allegations as to the remaining Defendants for lack of sufficient information to form a belief as to the truth thereof.

224.

In response to paragraph 224 of the Complaint, these Defendants deny the allegations as they relate to them, but can neither admit nor deny the

allegations as to the remaining Defendants for lack of sufficient information to form a belief as to the truth thereof.

**COUNT VIII:
STATE LAW CLAIM – BATTERY/WRONGFUL DEATH
AS TO THE DEFENDANT OFFICERS**

225.

Defendant hereby reincorporates by reference, as if fully set forth herein, the answers and responses to paragraphs 1-224.

226.

In response to paragraph 226 of the Complaint, these Defendants deny the allegations as they relate to them, but can neither admit nor deny the allegations as to the remaining Defendants for lack of sufficient information to form a belief as to the truth thereof.

227.

In response to paragraph 227 of the Complaint, these Defendants deny the allegations as they relate to them, but can neither admit nor deny the allegations as to the remaining Defendants for lack of sufficient information to form a belief as to the truth thereof.

228.

In response to paragraph 228 of the Complaint, these Defendants deny the allegations as they relate to them, but can neither admit nor deny the

allegations as to the remaining Defendants for lack of sufficient information to form a belief as to the truth thereof.

229.

In response to paragraph 229 of the Complaint, these Defendants deny the allegations as they relate to them, but can neither admit nor deny the allegations as to the remaining Defendants for lack of sufficient information to form a belief as to the truth thereof.

230.

In response to paragraph 230 of the Complaint, these Defendants deny the allegations as they relate to them, but can neither admit nor deny the allegations as to the remaining Defendants for lack of sufficient information to form a belief as to the truth thereof.

231.

Defendants deny the allegations set forth in paragraph 231 of Plaintiff's Complaint.

232.

Defendants deny the allegations set forth in paragraph 232 of Plaintiff's Complaint.

233.

Defendants deny the allegations set forth in paragraph 233 of Plaintiff's Complaint.

**COUNT IX:
STATE LAW CLAIM – INTENTIONAL INFLICTION
OF EMOTIONAL DISTRESS
AS TO THE DEFENDANT OFFICERS**

234.

Defendant hereby reincorporates by reference, as if fully set forth herein, the answers and responses to paragraphs 1-233.

235.

Defendants deny the allegations set forth in paragraph 235 of the Complaint.

236.

Defendants deny the allegations set forth in paragraph 236 of the Complaint.

237.

Defendants deny the allegations set forth in paragraph 237 of the Complaint.

238.

Defendants deny the allegations set forth in paragraph 238 of Plaintiff's Complaint.

239.

Defendants deny the allegations in paragraph 239 of the Complaint.

**COUNT X
VICARIOUS LIABILITY
AS TO THE CITY OF HAMPTON**

240.

Defendant hereby reincorporates by reference, as if fully set forth herein, the answers and responses to paragraphs 1-239.

241.

Defendants can neither admit nor deny the allegations set forth in paragraph 241 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

242.

Defendants can neither admit nor deny the allegations set forth in paragraph 242 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

243.

Defendants can neither admit nor deny the allegations set forth in paragraph 243 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

244.

Defendants can neither admit nor deny the allegations set forth in paragraph 244 of Plaintiffs' Complaint for lack of sufficient information to form a belief as to the truth thereof.

COUNT XI
ATTORNEYS FEES AND COSTS
AS TO ALL DEFENDANTS

245.

Defendant hereby reincorporates by reference, as if fully set forth herein, the answers and responses to paragraphs 1-244.

246.

Defendants deny the allegations set forth in paragraph 246 of Plaintiff's Complaint.

247.

Defendants deny the allegations set forth in paragraph 247 of Plaintiff's Complaint.

248.

Defendants deny the allegations set forth in paragraph 248 of Plaintiff's Complaint.

249.

These Defendants deny any and all other allegations set forth in the Complaint not expressly admitted herein.

THIRD DEFENSE

Defendants in their individual capacities are protected by qualified immunity as to all constitutional claims brought pursuant to 42 U.S.C. §1983 because, at all times relevant hereto, they were performing objectively

reasonable, discretionary acts as a law enforcement officers and did not violate a clearly established federal right of which a reasonable person would have known.

FOURTH DEFENSE

Defendant Henry County and all Defendants in their official capacities cannot be held liable under 42 U.S.C. §1983 on the basis of *respondeat superior* liability, and there are no official policies, customs or practices which proximately caused the alleged unconstitutional conduct forming the basis of Plaintiffs' Complaint.

FIFTH DEFENSE

Defendant Henry County and all Defendants in their official capacities are immune from liability for punitive damages.

SIXTH DEFENSE

The allegations set forth in the Complaint do not rise to the level of a constitutional deprivation under color of state law and therefore do not support a claim for relief under 42 U.S.C. §1983.

SEVENTH DEFENSE

Defendant Henry County and all Defendants sued in their official capacities are protected by sovereign immunity as to any state law claims.

EIGHTH DEFENSE

Defendants in their individual capacities are protected by discretionary act or official immunity from any state law claims.

NINTH DEFENSE

The alleged injuries and death of Plaintiffs' decedent were directly and proximately caused by the decedent's own criminal conduct, and his contributory and comparative negligence and failure to exercise ordinary care.

TENTH DEFENSE

If these Defendants were negligent in any manner, then the Plaintiffs' decedent's negligence equaled or exceeded Defendants' negligence, barring recovery under state law.

ELEVENTH DEFENSE

Plaintiffs' decedent's alleged injuries and death were caused by entities or persons other than these Defendants.

WHEREFORE, having fully answered, Defendants pray that judgment be entered in their favor and against the Plaintiffs, that Plaintiffs take nothing, and that Defendants be awarded their costs incurred in defending this action.

TRIAL BY JURY IS DEMANDED.

This 15th day of July, 2021.

WILLIAMS, MORRIS & WAYMIRE, LLC

/s/ Terry E. Williams

TERRY E. WILLIAMS

Georgia Bar No. 764330

Attorney for Defendants Henry County,
Butera and Phillips

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4330 South Lee Street
Buford, GA 30518
(678) 541-0790
(678) 541-0789(f)
terry@wmwlaw.com

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the within and foregoing ANSWER AND DEFENSES OF HENRY COUNTY, ROBERT P. BUTERA AND QUINTON C. PHILLIPS TO PLAINTIFFS' COMPLAINT FOR DAMAGES on all parties via U.S. Mail and/or the Court's electronic filing system, as follows:

Jess B. Johnson
PATE, JOHNSON & CHURCH, LLC
101 Marietta Street, Suite 3300
Atlanta, Georgia 30303
jess@patejohnson.com

This 15th day of July, 2021.

WILLIAMS, MORRIS & WAYMIRE, LLC

/s/ Terry E. Williams
TERRY E. WILLIAMS
Georgia Bar No. 764330

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